IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 18TH MAY 2007 / 28TH VAISAKHA 1929

Crl.MC.No. 1503 of 2007()

CP.26/2007 of J.F.C.M, KOTHAMANGALAM
CRIME NO.77/2005 OF POTHANIKADU POLICE STATION, ERNAKULAM

.....

PETITIONER: ACCUSED NO.2

RAVI, AGED 45 YEARS, KUTTAPPAN,
KUPPEKUDI HOUSE, PIRAKUNNAM KARA,
KUTTAMANGALAM VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

---

1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
POTHANIKADU POLICE STATION, ERNAKULAM DISTGRICT,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

3. THE SUB INSPECTOR OF POLICE,
KALLOORKADU POLICE STATION, ERNAKULAM DISTRICT,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.V.T.K.MOHAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

Crl.M.C.NO.1503 OF 2007

Dated this the 18th day of May 2007

ORDER

The petitioner is the 2nd accused in C.P No.26 of 2007 of the Judicial First Class Magistrate Court, Kothamangalam with respect to the offence under Section 55(a) of the Abkari Act as found in possession of Indian Made Foreign liquor. It is submitted that on receipt of summons, the petitioner appeared through counsel before the court below and the learned Magistrate rejected the application submitted by his counsel for condoning his absence and issued non bailable warrant against the petitioner. It is apprehended that there will be an order of pre-trial detention on his appearance. Hence he has sought for a direction to the court below that he may not be ordered to be detained on his appearance.

In the circumstances, the petitioner is directed to surrender before the court below within two weeks from today and file an application for bail. Non-bailable warrant is not to be executed in the meantime. Pre-trial detention is not required. The court below shall as far as possible dispose of the application for bail on the date of appearance of the petitioner itself. The Crl.M.C is closed accordingly.

(**K.R.UDAYABHANU, JUDGE)**

rtr/